EXHIBT 8

			*2/
	Page 1		Page 3
1	IN THE UNITED STATES DISTRICT COURT	1	AGREED that the signature to and the reading
2	FOR THE MIDDLE DISTRICT OF ALABAMA	2	of the deposition by the witness is waived,
3	EASTERN DIVISION	3	the deposition to have the same force and
4		4	effect as if full compliance had been had
5	LORI ANN MORRIS,)	5	with all laws and rules of Court relating to
6	Plaintiff,)	6	the taking of depositions.
7	vs.) CASE NUMBER:	7	IT IS FURTHER STIPULATED AND
8	FLORIDA TRANSFORMER,) 3:05-CV-962-T	8	AGREED that it shall not be necessary for
9	EDWARD NEAL THOMPSON,)	9	any objections to be made by counsel to any
10	et al.,	10	questions, except as to form or leading
111	Defendants.)	11	questions, and that counsel for the parties
12	Defendants.	12	may make objections and assign grounds at
13	DEPOSITION OF WILLIAM EARL TIDWELL	13	the time of trial, or at the time said
14	In accordance with Rule 5(d) of	14	deposition is offered in evidence, or prior
15	The Alabama Rules of Civil Procedure, as	15	thereto.
16	Amended, effective May 15, 1988, I, Cindy	16	IT IS FURTHER STIPULATED AND
17	Weldon, am hereby delivering to Henry L.	17	AGREED that notice of filing of the
18	Penick, the original transcript of the oral	18	deposition by the Commissioner is waived.
19	testimony taken on the 14th day of July,	19	deposition by the commissioner is warved.
20	2006, along with exhibits.	20	
21	Please be advised that this is the	21	
22	same and not retained by the Court Reporter,	22	
23	nor filed with the Court.	23	
	Page 2		Page 4
1	IN THE UNITED STATES DISTRICT COURT	1	APPEARANCES
2	FOR THE MIDDLE DISTRICT OF ALABAMA	2	
3	EASTERN DIVISION	3	FOR THE PLAINTIFF:
4		4	MR. HENRY L. PENICK
5	LORI ANN MORRIS,)	5	THE PENICK BUILDING
6	Plaintiff,)	6	319 - 17TH STREET NORTH, SUITE 200
7	vs.) CASE NUMBER:	7	BIRMINGHAM, ALABAMA 35203
8) 3:05-CV-962-T	8	
9	FLORIDA TRANSFORMER,)	9	FOR THE DEFENDANT:
10	EDWARD NEAL THOMPSON,)	10	MR. RICHARD BROUGHTON
200000	et al.,	11	2000 INTERSTATE PARK DRIVE
12	Defendants.)	12	SUITE 204
13	PROTECTION PROCESSOR (N. 1000 PROCESSOR)	13	MONTGOMERY, ALABAMA 36109
14	STIPULATION	14	
15	IT IS STIPULATED AND AGREED, by	15	ALSO PRESENT:
16	and between the parties through their	16	MR. EDWARD NEAL THOMPSON
17	respective counsel, that the deposition of	17	MR. FRANKLIN SCOTT SEAY
18	WILLIAM E. TIDWELL, may be taken before	18	
19	Cindy Weldon, Certified Shorthand Reporter,	19	
100	Commissioner and Notary Public, at 732 North	20	
20			
21	9th Street, DeFuniak Springs, Florida, on	21	

1 (Pages 1 to 4)

_				A11
		Page 5		Page 7
1	INDEX		1	There's no trick questions. We're just
2			2	having a conversation. If you need to take
3	EXAMINATION BY:	PAGE	3	a break for any reason, just let me know and
4	MR. PENICK	5	4	we'll take a break.
5	MR. BROUGHTON	105	5	The only thing that I'd ask is,
6			6	that if we do take a break or you want to
7			7	take a break and I have asked you a
8			8	question, let's complete the answer to that
9	EXHIBITS		9	question before we take a break.
10	PAGE		10	MR. BROUGHTON: And we and the
11	PLAINTIFF'S EXHIBIT NO. 1	41	11	court reporter There's two things. The
12	PLAINTIFF'S EXHIBIT NO. 2	47	12	court reporter is going to try to take down
13	PLAINTIFF'S EXHIBIT NO. 3	94	13	everything that we all say by whatever that
14			14	magical box is over there.
15			15	But the two things there is, one,
16			16	you need to answer with a verbal response
17			17	instead of a head shake and, two, try not to
18			18	talk when Henry is talking and he's going to
19			19	try not to talk when you're talking. That
2.0			20	way, she'll get down everything.
21			21	A. Okay.
22			22	Q. Let's start by letting you tell me
23			23	a little bit about yourself, if you would.
		Page 6		Page 8
1	WILLIAM EARL TIDWE	LL,	1	Just tell me where you were born and where
2	after first being duly sworn, testi	ified	2	you went to school in the early days. We'll
3	as follows:		3	just start there.
4	EXAMINATION BY MR. PENIC	CK:	4	A. I was born in Samson, Alabama. I
5	THE COURT REPORTER:	Usual	5	went to school at Ponce De Leon. Born and
6	stipulations?		6	raised just raised around Holmes County,
7	MR. PENICK: Yes.		7	Florida.
8	MR. BROUGHTON: Yes.		8	Q. And so you went to high school in
9	Q. Good morning, Mr. Tidwel		9	this area?
10	J 1		10	A. Yes, sir.
11			11	Q. Did you graduate from high school?
12		ad your	12	A. Yes.
13			13	Q. What's the name of the high school
14	The state of the s		14	again?
15			15	A. Ponce De Leon.
16			16	Q. And when were you born?
17	<i>y</i>		17	A. 1969, January the 24th.
18	,		18	Q. So when you graduated from high
19		ecause she	19	school, then that would have been about
20			20	A. 1988 I graduated high school.
21			21	Q. What did you do immediately after
22	Q. If I ask any questions that y		22	high school?
23	don't understand, just ask me to re		23	A. I went to work for Talla Tank

2 (Pages 5 to 8)

1	77		7.00
1 1	Page 37		Page 39
	the highway?	1	A. Not that I can recall.
2	A. No, sir. Not that I remember.	2	Q. So were you having any
3	There wasn't nothing unusual about it.	3	conversation with Neal as you all approached
4	Q. Well, tell me what happened as you	4	this location where the accident occurred?
5	got in the area of this accident.	5	A. Not that I can remember. We were
6	A. Like we was meeting cars coming	6	not having a conversation.
7	south and we were going north. And all of a	7	Q. Do you remember anything that was
8	sudden, there was this truck laying across	8	going on at all?
9	the whole interstate.	9	A. He was just driving up the road
10	Q. Let me ask you about the cars or	10	and I was sitting over there watching him.
11	trucks going south. They were over on the	11	Q. So what happened once you
12	other side of the highway separated by a	12	recognized this overturned trailer in the
13	median; right?	13	freeway?
14	A. Yes, sir.	14	A. Neal hit the brakes as quick as he
15	Q. And you had two lanes going north?	15	and I both recognized it. There was nowhere
16	A. Yes, sir.	16	to go to get away from it.
17	Q. All right. So tell me what	17	Q. Okay. How many lanes did the semi
18	happened as you all got close to this	18	block the overturned semi blocking?
19	location where the accident occurred.	19	A. It was blocking both north bound
20	A. We were just going north on 85.	20	lanes, plus half the emergency lane.
21	And all of a sudden, there like I said,	21	Q. Do you believe that the part of
22	there was a semi across the road.	22	the tractor portion of the overturned semi
23	Q. What did you notice about the	23	was in the emergency lane?
	Page 38		Page 40
1	semi?	1	A. Yes, sir.
2	A. When we seen it, it was overturned	2	Q. Did you ever tell anyone that
3	with the bottom of it pointed at us.	3	information before?
4	Q. Do you recall whether or not any	4	A. The state trooper.
5	lights were on, on the semi that was	5	Q. Okay. Do you know if he ever
	overturned?	6	
1 6			recorded that the tractor portion of the
6 7	A There was no lights on that semi	1	recorded that the tractor portion of the overturned semi was in the emergency lane?
7	A. There was no lights on that semi	7	overturned semi was in the emergency lane?
7 8	as I can recall being on.	7 8	overturned semi was in the emergency lane? A. No. I don't remember if he did or
7	as I can recall being on. Q. Do you recall whether or not it	7 8 9	overturned semi was in the emergency lane? A. No. I don't remember if he did or not.
7 8 9	as I can recall being on. Q. Do you recall whether or not it had any reflectors that were showing?	7 8	overturned semi was in the emergency lane? A. No. I don't remember if he did or not. Q. Did you do an affidavit in this
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7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	as I can recall being on. Q. Do you recall whether or not it had any reflectors that were showing? A. There's no reflectors on the bottom of a semi. Q. Okay. You know, sometimes on the side, they might have a three dimensional reflector mounted on the side of the trailer. And if it's three dimensional, I was wondering whether or not you could see anything reflecting back like that. A. We didn't I did not see nothing that I can recall thinking back. Q. Okay. Do you recall seeing the	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	overturned semi was in the emergency lane? A. No. I don't remember if he did or not. Q. Did you do an affidavit in this case? A. Affidavit? Q. Yes. Did you sign an affidavit in this case? A. I don't remember. Q. Okay. I want to show you this. This is your affidavit. MR. PENICK: We're going to use this affidavit for purposes of his examination. But I'm sure, Richard, we would like to submit a clean copy. This is
7 8 9 10 11 12 13 14 15 16 17 18 19 20	as I can recall being on. Q. Do you recall whether or not it had any reflectors that were showing? A. There's no reflectors on the bottom of a semi. Q. Okay. You know, sometimes on the side, they might have a three dimensional reflector mounted on the side of the trailer. And if it's three dimensional, I was wondering whether or not you could see anything reflecting back like that. A. We didn't I did not see nothing that I can recall thinking back.	7 8 9 10 11 12 13 14 15 16 17 18 19 20	overturned semi was in the emergency lane? A. No. I don't remember if he did or not. Q. Did you do an affidavit in this case? A. Affidavit? Q. Yes. Did you sign an affidavit in this case? A. I don't remember. Q. Okay. I want to show you this. This is your affidavit. MR. PENICK: We're going to use this affidavit for purposes of his examination. But I'm sure, Richard, we

10 (Pages 37 to 40)

	Page 41		Page 43
1	deposition.	1	having overturned, you saw after impact?
2	(Whereupon, Plaintiff's Exhibit	2	A. Right.
3	No. 1 was marked for identification.)	3	Q. And after impact is when you saw
4	MR. BROUGHTON: We've already	4	evidence that the overturned trailer, which
5	submitted a copy in support of our motion	5	we'll call Morris' tractor trailer, had gone
6	for summary judgment. So we can refer to	6	off the road; is that right?
7	that one.	7	A. That's when we realized everything
8	MR. PENICK: Well, I'd like to	8	happened, after he went off the road.
9	attach a copy to the deposition. But this	9	Q. After you had the impact?
10	is the only copy I've got now. It's got	10	A. Yes, sir.
11	writing on it.	11	Q. You didn't know that he had been
12	Q. But I want you to disregard any	12	off the road before impact?
13	notes that I have written on it and just go	13	A. Not that I can remember.
14	with what you said in your affidavit.	14	Q. Did you see any debris in the road
15	A. Okay.	15	prior to impact?
16	Q. Is there anywhere in this	16	A. Not that I can remember. We did
17		17	
18	affidavit that you said that you saw the	18	not see any debris or nothing.
	overturned semi blocking all of the north		Q. Did you see any signage down
19	bound lanes and the emergency lane?	19	before the impact? A. Not that I can remember.
	A. Is there anywhere in here?		
21	Q. Yes. That you said that.	21	Q. Describe the brake Well, first
22	MR. BROUGHTON: Take your time.	22	of all, you said Neal hit his brakes; right?
23	You can review the whole thing if you need	23	A. Right.
	Page 42		Page 44
1	to.	1	Q. Describe the braking system on the
2	A. Repeat the question again.	2	Q. Describe the braking system on the Peterbilt that you all were driving that
	A. Repeat the question again.Q. Do you see anywhere in your	1	Q. Describe the braking system on the Peterbilt that you all were driving that he was driving that night.
2 3 4	A. Repeat the question again.Q. Do you see anywhere in your affidavit that you indicated prior to now	2 3 4	Q. Describe the braking system on the Peterbilt that you all were driving that he was driving that night. A. It was just a 1995 Peterbilt.
2 3	A. Repeat the question again. Q. Do you see anywhere in your affidavit that you indicated prior to now that the overturned semi was blocking both	2 3 4 5	Q. Describe the braking system on the Peterbilt that you all were driving that he was driving that night. A. It was just a 1995 Peterbilt. Now, I can't go into detail because I don't
2 3 4	A. Repeat the question again. Q. Do you see anywhere in your affidavit that you indicated prior to now that the overturned semi was blocking both lanes and the emergency lane?	2 3 4	Q. Describe the braking system on the Peterbilt that you all were driving that he was driving that night. A. It was just a 1995 Peterbilt. Now, I can't go into detail because I don't
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2 3 4 5 6	A. Repeat the question again. Q. Do you see anywhere in your affidavit that you indicated prior to now that the overturned semi was blocking both lanes and the emergency lane?	2 3 4 5 6	Q. Describe the braking system on the Peterbilt that you all were driving that he was driving that night. A. It was just a 1995 Peterbilt. Now, I can't go into detail because I don't know that much about the braking system on
2 3 4 5 6 7	A. Repeat the question again. Q. Do you see anywhere in your affidavit that you indicated prior to now that the overturned semi was blocking both lanes and the emergency lane? A. I see where it says both north bound lanes of traffic. But not the emergency lane.	2 3 4 5 6 7	Q. Describe the braking system on the Peterbilt that you all were driving that he was driving that night. A. It was just a 1995 Peterbilt. Now, I can't go into detail because I don't know that much about the braking system on how it I know they work and all that.
2 3 4 5 6 7 8	A. Repeat the question again. Q. Do you see anywhere in your affidavit that you indicated prior to now that the overturned semi was blocking both lanes and the emergency lane? A. I see where it says both north bound lanes of traffic. But not the	2 3 4 5 6 7 8	Q. Describe the braking system on the Peterbilt that you all were driving that he was driving that night. A. It was just a 1995 Peterbilt. Now, I can't go into detail because I don't know that much about the braking system on how it I know they work and all that. Q. All right.
2 3 4 5 6 7 8 9	A. Repeat the question again. Q. Do you see anywhere in your affidavit that you indicated prior to now that the overturned semi was blocking both lanes and the emergency lane? A. I see where it says both north bound lanes of traffic. But not the emergency lane.	2 3 4 5 6 7 8	Q. Describe the braking system on the Peterbilt that you all were driving that he was driving that night. A. It was just a 1995 Peterbilt. Now, I can't go into detail because I don't know that much about the braking system on how it I know they work and all that. Q. All right. A. It did not have no ABS on it or
2 3 4 5 6 7 8 9	A. Repeat the question again. Q. Do you see anywhere in your affidavit that you indicated prior to now that the overturned semi was blocking both lanes and the emergency lane? A. I see where it says both north bound lanes of traffic. But not the emergency lane. Q. So in your previous affidavit, you	2 3 4 5 6 7 8 9	Q. Describe the braking system on the Peterbilt that you all were driving that he was driving that night. A. It was just a 1995 Peterbilt. Now, I can't go into detail because I don't know that much about the braking system on how it I know they work and all that. Q. All right. A. It did not have no ABS on it or anything like that.
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2 3 4 5 6 7 8 9 10 11	A. Repeat the question again. Q. Do you see anywhere in your affidavit that you indicated prior to now that the overturned semi was blocking both lanes and the emergency lane? A. I see where it says both north bound lanes of traffic. But not the emergency lane. Q. So in your previous affidavit, you didn't say it was blocking the emergency lane, did you?	2 3 4 5 6 7 8 9 10 11	Q. Describe the braking system on the Peterbilt that you all were driving that he was driving that night. A. It was just a 1995 Peterbilt. Now, I can't go into detail because I don't know that much about the braking system on how it I know they work and all that. Q. All right. A. It did not have no ABS on it or anything like that. Q. Did you say something to Neal immediately before the impact?
2 3 4 5 6 7 8 9 10 11 12 13	A. Repeat the question again. Q. Do you see anywhere in your affidavit that you indicated prior to now that the overturned semi was blocking both lanes and the emergency lane? A. I see where it says both north bound lanes of traffic. But not the emergency lane. Q. So in your previous affidavit, you didn't say it was blocking the emergency lane, did you? A. No, sir.	2 3 4 5 6 7 8 9 10 11 12 13	Q. Describe the braking system on the Peterbilt that you all were driving that he was driving that night. A. It was just a 1995 Peterbilt. Now, I can't go into detail because I don't know that much about the braking system on how it I know they work and all that. Q. All right. A. It did not have no ABS on it or anything like that. Q. Did you say something to Neal immediately before the impact? A. Not that I can remember.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Repeat the question again. Q. Do you see anywhere in your affidavit that you indicated prior to now that the overturned semi was blocking both lanes and the emergency lane? A. I see where it says both north bound lanes of traffic. But not the emergency lane. Q. So in your previous affidavit, you didn't say it was blocking the emergency lane, did you? A. No, sir. Q. Now, before you came Before you had impact with the First of all, did you have impact with the overturned tractor	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Describe the braking system on the Peterbilt that you all were driving that he was driving that night. A. It was just a 1995 Peterbilt. Now, I can't go into detail because I don't know that much about the braking system on how it I know they work and all that. Q. All right. A. It did not have no ABS on it or anything like that. Q. Did you say something to Neal immediately before the impact? A. Not that I can remember. Q. Did he say anything to you immediately before the impact? A. Not that I can remember he didn't.
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